

## Assessment of 10 CFR 50.72(b) Reporting Criteria

**Purpose:** The non-emergency reporting requirements, or event notifications, in 10 CFR 50.72(b) allow the NRC to take action to maintain reactor safety or to respond to heightened public concern. In [SRM-SECY-20-0109](#), the Commission approved the staff's recommendation to initiate rulemaking to evaluate the requirements in 10 CFR 50.72(b). The NRC staff developed this tool to assist in its assessment of 10 CFR 50.72(b) to reduce or eliminate unnecessary reporting burden associated with events of little or no safety significance. The tool provides several regulatory issues to consider in balancing the NRC's need for prompt information with the burden placed on licensees.

**Phase 1:** Using the [Be riskSMART framework](#) and the [Principles of Good Regulation](#), the NRC staff developed criteria to assess the non-emergency reporting requirements in 10 CFR 50.72(b) for retention or elimination. This is the first step in the assessment of the regulatory issues that will be discussed in the regulatory basis and includes the potential impact of eliminating or delaying non-emergency reports on the NRC's ability to successfully execute its oversight, event response, or other NRC regulatory functions and to be transparent with external stakeholders.

**Phase 2:** The NRC will consider modifications to the non-emergency reporting requirements and relevant data in its development of a regulatory basis using a risk-informed approach to inform the timing of any necessary reports and the method of reporting.

### **Phase 1 Screening Questions:**

Impact to the NRC's oversight, event response, or other NRC regulatory functions:

- Without this non-emergency reporting, would the NRC still be able to successfully execute its oversight, event response, or other NRC regulatory functions?
- Would not receiving this non-emergency reporting significantly degrade the NRC's ability to successfully execute its oversight, event response, or other NRC regulatory functions?
- Would eliminating this non-emergency reporting significantly degrade the NRC's ability to track or trend data associated with this criterion?
- Is this non-emergency reporting duplicated by another regulation or 10 CFR 50.72 criterion?
- Is this type of event reportable under 10 CFR 50.73, and would that report meet the NRC's needs?

### **Phase 2 Considerations:**

- Are alternative means available to provide awareness to the NRC without incurring significant burden or that is less burdensome?
- Based on historical data, how frequently has this type of non-emergency reporting been subsequently withdrawn due to determination later that it did not meet reporting criteria and how has that impacted the NRC and the licensee?

- What would be the risk of no longer receiving or delaying this non-emergency reporting?
- Without this non-emergency reporting, would the Federal, State, Tribal, or local emergency and radiological responders still be able to successfully execute their oversight, event response, or other functions?
- Would delays in receiving this non-emergency reporting significantly degrade Federal, State, Tribal, or local emergency and radiological responders' ability to use the information to act?
- Are alternative means available to provide awareness to the external stakeholders without incurring significant burden or that is less burdensome (i.e., memorandum of understanding, negotiated agreements, etc.)?